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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/763,153

01/21/2004

Kun-Li Xieh

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6468

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7590

02/15/2005

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EXAMINER

COHEN, AMY R

ART UNIT

PAPER NUMBER

2859

DATE MAILED: 02/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/763,153

Applicant(s)

XIEH, KUN-LI

Examiner

Amy R Cohen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 4, 8, 12, 13 are rejected under 35 U.S.C. 102(b) as being anticipated by MacDowney (U. S. Patent No. 1,299,978).

MacDowney teaches a protractor and ruler combination (Fig. 2), comprising a main ruler (10), a secondary ruler (21), and an auxiliary ruler (11), wherein: the main ruler (10) has a first side integrally formed with a protractor (19) having a plurality of scales (Fig. 2); the secondary ruler is rotatably mounted (12) on the main ruler and has a plurality of reading scales (Fig. 2); and the auxiliary ruler has a first side combined with the secondary ruler (Fig. 2), so that the secondary ruler is moved in concert with the auxiliary ruler on the protractor of the main ruler (Figs. 1-3 and Col 1, line 53-Col 2, line 93).

MacDowney teaches the protractor and ruler combination wherein the main ruler has a second side formed with a ruler section having a plurality scales (Fig. 2).

MacDowney teaches the protractor and ruler combination wherein the secondary ruler has a semi-circular shape (Fig. 2).

MacDowney teaches the protractor and ruler combination wherein the auxiliary ruler has a second side formed with a ruler section having a plurality of scales (Fig. 2).

MacDowney teaches the protractor and ruler combination wherein the reading scales of the secondary ruler have sized determined according to an inner diameter of the scales of the

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protractor (Figs. 1-4, 6, 7), and the secondary ruler has a periphery (near 37) located inside the scales of the protractor (Figs. 1-4, 6, 7).

MacDowney teaches the protractor and ruler combination wherein the periphery of the secondary ruler and the inner diameter scales of the protractor form a circle (Figs. 1-4, 6, 7).

3. Claims 1, 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Kathan (U. S. Patent No. 5,419,053).

Kathan teaches a protractor and ruler combination (Fig. 3), comprising a main ruler (16), a secondary ruler (14a), and an auxiliary ruler (14b), wherein: the main ruler (16) has a first side integrally formed with a protractor (18) having a plurality of scales (Fig. 3); the secondary ruler is rotatably mounted (60) on the main ruler and has a plurality of reading scales (Fig. 3); and the auxiliary ruler has a first side combined with the secondary ruler (Figs. 1 and 2), so that the secondary ruler is moved in concert with the auxiliary ruler on the protractor of the main ruler (Col 3, lines 58-67).

Kathan teaches the protractor and ruler combination wherein the protractor of the main ruler has a center formed with a through hole (60) and has a periphery formed with a guide slot (62), the secondary ruler has a center formed with a through hole (at 60) aligning with the through hole of the protractor and has a periphery formed with a through bore (at 64) aligning with the guide slot of the protractor (Figs. 1-3), the first side of the auxiliary ruler is formed with a through hole (at 60) aligning with the through hole of the secondary ruler and a through bore (at 64) aligning with the through bore of the secondary ruler (Figs. 1-3), and the protractor and ruler combination further comprises a pivot pin (at 60) extended through the through hole of the auxiliary ruler, the through hole of the secondary ruler and the through hole of the protractor, and

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a snap member secured on a distal end of the pivot pin (the snap and pin are not numbered but can be seen in Figs. 1-3).

Kathan teaches the protractor and ruler combination comprising a screw member (64A) extended through the guide slot of the protractor, the through bore of the secondary ruler and the through bore of the auxiliary ruler, and a nut (64B) screwed on the screw member and rested on the first side of the auxiliary ruler (Figs. 1-3).

Kathan teaches the protractor and ruler combination wherein the guide slot is arc-shaped (Fig. 3).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over MacDowney in view of Maier (U. S. Patent No. 4,539,881).

MacDowney discloses the protractor and ruler combination as described above in paragraph 2.

MacDowney does not disclose the protractor and ruler combination comprising an anti-skid pad mounted on a face of the auxiliary ruler; which separates the auxiliary ruler from the main ruler; and wherein it is located beside the secondary ruler and has an end rested on a periphery of the secondary ruler.

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Maier discloses a protractor comprising an anti-skid pad mounted on the protractor ends (Col 1, lines 23-29, Col 2, lines 53-59, Col 3, lines 48-51, Col 4, lines 12-16, and Col 6, lines 62-68).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of MacDowney to include an anti-skid pad on a face of the auxiliary ruler, separating the auxiliary ruler from the main ruler and located beside the secondary ruler and having an end rested on a periphery of the secondary ruler, as taught by Maier, so that the auxiliary ruler remains in place while using the device but does not scratch or harm the surface on which it slides (as taught by Maier, Col 5, line 66-Col 6, line 15).

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over MacDowney in view of Wagniere et al. (U. S. Patent No. 761,272).

MacDowney discloses the protractor and ruler combination as described above in paragraph 2.

MacDowney does not disclose the protractor and ruler combination wherein the ruler section of the main ruler has a distal end formed with a fixing hole, and the protractor and ruler combination comprises a flattened support member pivotally mounted on the ruler section of the main ruler, and a pivot shaft extended through an end of the support member and fixed in the fixing hole of the ruler section.

Wagniere et al. discloses a protractor (23) and ruler (1, 2) combination wherein the ruler section of the main ruler has a distal end formed with a fixing hole (21), and the protractor and ruler combination comprises a flattened support member (19) pivotally mounted on the ruler section of the main ruler, and a pivot shaft (21) extended through an end of the support member and fixed in the fixing hole of the ruler section (Col 3, line 48-Col 4, line 76).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the protractor and ruler combination of MacDowney to include a support member, as taught by Wagniere et al., in order to use the combination as a wire gauge and in order to more compactly and securely store the combination (Wagniere et al., Col 3, line 48-Col 4, line 76).

Response to Arguments

7. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents disclose protractor and ruler combinations Nyquist (U. S. Patent No. 6,694,633), Harrison (U. S. Patent No. 5,539,991), Barclay (U. S. Patent No. 2,504,244), Beem (U. S. Patent No. 1,632,267), Mahon (U. S. Patent No. 1,414,033), Osmonson (U. S. Patent No. 912,605), Darr (U. S. Patent No. 876,042), and Bustin (U. S. Patent No. 175,416).

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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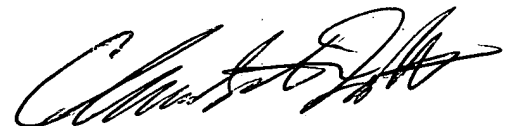
will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy R Cohen whose telephone number is (571) 272-2238. The examiner can normally be reached on 8 am - 5 pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F. Gutierrez can be reached on (571) 272-2245. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ARC
February 9, 2005



Christopher Fulton
Primary Examiner
Tech Center 2800